

DECISION

20600
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210101.2

DATE: July 11, 1983

MATTER OF: Southwest Marine, Inc.

DIGEST:

1. Protester's superior experience in aircraft carrier repair did not entitle it to a higher score than the awardee under "Experience and Past Performance" evaluation criterion in RFP. Aircraft carrier experience was only one of five subcriteria under the "Experience" aspect of that criterion, and the awardee's experience in other areas, as well as its superior "Past Performance" score, outweighed the protester's superior aircraft carrier experience.
2. The fact that the protester has more experience in one area than the awardee does not render the agency's superior evaluation of the awardee's overall management capability unreasonable since the evaluation of management capability clearly included the consideration of many factors other than experience.
3. The fact that the agency found no major weaknesses or deficiencies in the protester's proposal does not render award to another offeror unreasonable where that offeror's proposal was reasonably judged superior to the protester's proposal.

Southwest Marine, Inc. (SWM) protests the award of a contract to National Steel and Shipbuilding Company (NASSCO) by the Department of the Navy under request for proposals (RFP) No. N62791-82-R-0145. The procurement was for the repair and alteration of the aircraft carrier U.S.S. Ranger. We deny the protest.

SWM contends that it should have scored higher than NASSCO under several of the solicitation's evaluation criteria because it has previous experience in performing

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aircraft carrier repairs but NASSCO does not. SWM also asserts that neither the notice of award nor the debriefing supplied by the Navy identified any weaknesses or deficiencies in its proposal. It therefore argues that the Navy lacked a rational basis for selecting NASSCO over SWM.

The solicitation listed four technical evaluation criteria: "Management Capability"; "Technical Approach"; "Experience and Past Performance"; and "Resource Availability." SWM's technical proposal was ranked second to NASSCO's after application of these criteria.

For evaluation purposes, the experience aspect of the "Experience and Past Performance" criterion was broken down into five subcriteria, only one of which was experience in "aircraft carrier machinery packages." The others were "repair/alteration of surface ships"; "work permits, tag-outs and process control procedures"; "test and check-out"; and "quality assurance."

The Navy reports that NASSCO's overall experience was considered excellent, and that its experience in the repair and alteration of all surface ships was considered particularly good. While SWM's aircraft carrier experience was recognized as superior to NASSCO's, the two firms received equal overall scores for "Experience" due to NASSCO's superiority in other areas identified in the evaluation subcriteria. Further, because of its higher score on the "Past Performance" aspect of the "Experience and Past Performance" criterion, NASSCO received a higher overall score for that criterion than SWM.

As we have frequently stated, it is not the function of this Office to evaluate technical proposals. Western Ecological Services Company, B-204550, September 13, 1982, 82-2 CPD 220. Rather, the determination of the relative merits of an offeror's technical proposal is primarily a matter of administrative discretion on the part of the contracting agency, and that discretion will not be disturbed unless shown to be arbitrary or in violation of procurement laws and regulations. See Frank E. Basil, Inc.; Jets Services, Inc., B-208133, January 25, 1983, 83-1 CPD 91.

We find nothing improper with the Navy's evaluation of the "Experience and Past Performance" factor here. The Navy recognized that NASSCO's aircraft carrier experience was not as strong as SWM's, but considered other aspects of its experience better than SWM's experience in the same areas. Further, contrary to SWM's apparent assumption, NASSCO's best and final offer indicated that it does have prior experience in aircraft carrier repair. NASSCO identified five different U.S. Navy aircraft carriers on which it has previously performed 91,000 manhours of repair work. Consequently, we find no merit to SWM's contentions regarding this evaluation criterion.

SWM also argues that NASSCO could not rationally have been judged superior to it under the "Management Capability" and "Technical Approach" evaluation criteria since NASSCO lacks experience in aircraft carrier repair. The record shows that SWM in fact received an overall higher score than NASSCO for "Technical Approach." While NASSCO did score higher than SWM in the "Management Capability," factor, we disagree with SWM's assertion that this result was irrational.

As noted above, NASSCO does possess experience in aircraft carrier repair. Further, both as a matter of common sense and as demonstrated by the evaluation subcriteria set forth in the RFP, it should be obvious to SWM that the Navy's evaluation of "Management Capability" included the consideration of many factors other than aircraft carrier repair experience. SWM has neither alleged nor shown that its overall management capability is superior to NASSCO's, and we cannot conclude that the Navy's evaluation of this factor was improper simply because SWM has more aircraft carrier repair experience than NASSCO.

SWM contends that it has never been advised of the weaknesses or deficiencies found in its proposal, as required by Defense Acquisition Regulation (DAR) §§ 3-508.3(a)(v) and 3.508.4 (1976 ed.). The Navy states that it provided SWM with an adequate debriefing.

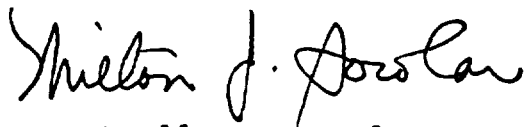
DAR § 3-508.3(a)(v) requires that unsuccessful offerors be given a post-award notice which in general terms includes the reasons the offeror's proposal was

not accepted. The record here shows that the notice provided to SWM did not inform SWM why its proposal was not accepted. Nevertheless, this provides no basis on which to sustain the protest. Post-award notification requirements such as those contained in DAR § 3-508.3 are procedural in nature, and failure to comply with them provides no legal basis for disturbing an otherwise valid award. Bell & Howell Corporation, B-196165, July 20, 1981, 81-2 CPD 49.

DAR § 3-508.4 provides that unsuccessful offerors shall be debriefed upon written request, and indicates that the debriefing should include citation of the determinative deficiencies and weaknesses contained in an unsuccessful proposal. The Navy essentially admits that it did not identify any major proposal weaknesses or deficiencies for SWM at the debriefing, but points out that SWM submitted a good proposal with no glaring deficiencies or weaknesses. It adds that NASSCO's proposal was simply judged superior.

Thus, the Navy did not identify any major weaknesses or deficiencies in SWM's proposal during the debriefing because in the Navy's view there were none. Contrary to SWM's contention, however, that does not render the proposal evaluation irrational. Rather, the record indicates that the selection of NASSCO reflects the agency's reasonable assessment that while SWM's technical proposal was good, NASSCO's proposal was superior. Although SWM apparently disagrees with the Navy's assessment of the proposals' relative merits, this does not render the evaluation improper. Albert J. Haener; E. H. Ladum, B-206642; B-206642.2, October 29, 1982, 82-2 CPD 381.

The protest is denied.

for 
Comptroller General
of the United States